

## Remarks

By the present amendment, claim 1 has been amended to incorporate the subject of claim 4<sup>1</sup> and now sets forth the step of adjusting the tire pressure if the measured tire pressure is above or below the desired test pressure by less than about 1/4 psi. Thus, claims 2, 3, and 5-11 (which depend from claim 1) also set forth this limitation. Claim 12, and claims 13 - 24 depending therefrom, set forth a pressure-controlling device for taking test measurements wherein a controller compares a measured pressure to a desired test pressure and opens a valve when the difference between the measured pressure and the desired test pressure is less than about 1/4 psi.

The Examiner agrees that the applied art does not show or suggest such a refined pressure differential range (such as "about 1/4 psi") but concludes that it would have been obvious to adopt such a range because "discovering the 'optimum range' involves only routine skill in the art."<sup>2</sup>

The Examiner is again asked to please note that applicant's invention is particularly directed towards a method of testing a tire to determine its suitability for a specific vehicle.<sup>3</sup> The suitability of a tire for a specific vehicle may require dynamic vehicle testing to take into account the effect that the structure of a particular vehicle (e.g., its suspension system, weight, etc.) has on the tire characteristics. For example, in a dynamic vehicle testing method used by the assignee of the present invention, a vehicle is driven so that the relevant tire forces and footprints are measured. Instrumentation associated with the vehicle and test surface is used to measure the desired tire properties and a contact patch photograph can be taken.<sup>4</sup> This process is

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<sup>1</sup>Claim 4 has been accordingly canceled.

<sup>2</sup>Claims 2-11 have been rejected as being unpatentable over U.S. Patent No. 6,278,363 to Bezek in view of U.S. Patent No. 5,472,032 to Winston and U.S. Patent No. 5,111,585 to Kawashima and further in view of U.S. Patent No. 4,582,108 to Markow. Claims 12-19, 21, and 23-24 have been rejected as being unpatentable over U.S. Patent No. 5,472,032 to Winston.

<sup>3</sup>The trend in the tire and automobile industry is to closely match and design a particular tire as original equipment for a particular vehicle. Specifically, automobile manufacturers commonly equip a vehicle with a set of tires which have been found to provide the most desirable wear and ride characteristics for that particular vehicle.

<sup>4</sup>Alternatively, the tire-wheel system can be rolled against a test drum over multiple test runs via the use of an external loading frame, whereby no vehicle is required.

repeated many times during a dynamic vehicle test to collect enough data to statistically reach a desired confidence level in the evaluation.

It is important that conditions remain set during the multiple test runs so that there is no unknown inconsistency skewing the data from different runs. Specifically, during such multiple test runs the temperature of the tire often increases, thereby increasing the pressure within the tire. The present invention eliminates any pressure rise/drop and thus minimizes any data inconsistencies which would have resulted from tire pressure changes.

The refined pressure adjustments of the present invention would be irrelevant in the situations addressed by the applied art, as they would be too small to influence any of the pertinent parameters. Nothing in the prior art has been found to even remotely suggest any application requiring such precise adjustments. There is no disclosure of any "general conditions" related to such fine pressure adjustments, whereby the claimed ranges would not be considered "optimum" or "workable" for the "general conditions" with which the applied art is concerned. Accordingly, the motivation for making such precise adjustments is taught only by applicant's specification, whereby the proposed combination is based on hindsight, rather than the teachings of the prior art at the time of applicant's invention.

### **Conclusion**

This application is now believed to be in a condition for allowance and an early action to that effect is earnestly solicited.

Respectfully submitted,

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Date: March 12, 2004

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